

F

326

B32



Class F 33.6

Book 1232

Copyright No.

**COPYRIGHT DEPOSIT**





History

796  
3418

and

Civil Government

of

ALABAMA,

by

NEWTON W. BATES, A. M.,

PROFESSOR OF LANGUAGE AND LITERATURE  
IN THE STATE NORMAL COLLEGE,  
FLORENCE, ALABAMA.

---

Florence, Ala.:  
HERALD PUBLISHING CO.,  
1892.

8673 X

2c

gather into a compact and convenient form the essential facts of both the history and government.

For a more extended account of the early history or the public men of the state, the student is referred to Pickett's History of Alabama, Brewer's Alabama, Garrett's Public Men of Alabama, Northern Alabama published by Smith and De Land, the History of Education in Alabama published by the Bureau of Education and the various county histories. Those wishing to pursue a more exhaustive study of the state government are referred to the State Constitution, the Code of Alabama, and the Acts of the various General Assemblies.

N. W. BATES.

Florence, Ala., March 1, 1892.

# History and Civil Government of Alabama.

---

## PART I. HISTORY.

---

### CHAPTER I.

#### THE SPANISH AND FRENCH.

Alabama was discovered and explored by Hernando de Soto, a Spanish cavalier. Having been with Pizarro in the conquest of Peru, De Soto eagerly sought for a commission from

**I. Discovery.** the court of Spain to explore the unknown region of Florida, hoping to find richer cities and more valuable mines of gold and silver than those which had rewarded the South American conqueror. He landed at

Tampa Bay in May, 1539, with an army of nearly a thousand men, composed of soldiers, workmen of every trade, priests, and "men of science," equipped with weapons, tools, and provisions for two years. He brought with him horses and mules for beasts of burden, cattle and hogs for food, and dogs for hunting.

Going northward, he travelled along the west coast of Florida, through Georgia, and turning west came into Alabama in July, 1540. He entered in Cherokee County and went down the Coosa and Alabama rivers and up the Tombigbee passing thence into the present State of Mississippi.

De Soto found in the State many flourishing kingdoms of various tribes of Indians, who were mostly friendly to him, until his extreme cruelty rendered them hostile. At Maubila, near the junction of the Alabama and Tombigbee rivers, he had a serious battle with the Indians, led by their chief Tuskaloosa, in which the Spanish lost many of their men and all their supplies and valuable collections, although they destroyed several thousand Indians. At this point he learned that his ships were at Pensacola Bay with supplies, but, fearing that his men would desert him if they reached the ships, he turned his course northward. Another battle was fought in crossing the Black



Warrior River, but the Indians were driven back and De Soto passed out of the State in November, 1540.

Discovering the Mississippi River near Memphis, he crossed it and explored the region to the west, coming back to the river only to be buried in its waters. His army, now less than one third of the original number, painfully made their way back to Cuba.

The Indians of Alabama were chiefly Mobilians, including the Coosas, Alabamas, and Creeks in the east and south, the Choctaws in the west and the Chickasaws in the north-west. The Cherokees, a different family, occupied the north-eastern portion of the State.

In 1699 the Spanish established a fort at Pensacola, and laid claim to the whole region. Later in the same year, the French, wishing to establish a settlement near the mouth of

**2. Settlement.** the Mississippi, built a fort at Biloxi, Miss. In 1702 Bienville, the governor of the French territory, moved the fort to the Mobile River, and in 1711 to the present site of Mobile, thus establishing the first European settlement within the limits of Alabama. Bienville was governor, except at a few intervals, until 1743, and did much to develop the agricultural and commercial

interests of the territory. Mobile was the seat of the French government in America until 1720, when it was moved to Biloxi, but in 1723 New Orleans became the capital. The southern and western part of Alabama continued to be ruled by the French until 1763.

In 1714 Bienville built Fort Toulouse near the junction of the Coosa and Tallapoosa rivers, and in 1735 Fort "Tombeebe" on the upper Tombigbee River in Sumter County, which were maintained by the French until the territory was surrendered to the English.

Three countries claimed all or part of this territory. England claimed it as a part of Georgia, Spain claimed it because of the discovery of De Soto and the settlement of Pensacola, while France based her claims upon her occupation and her settlement at Mobile. These conflicting claims were a source of trouble for many years.

At the close of the French and Indian War, in 1763, France ceded to England all her territory east of the Mississippi River, except a small region around New Orleans. Louisiana Territory, including New Orleans, was given to Spain. At the same time. Spain ceded to England all of Florida, including indefinitely the southern

### **3. Conflicting Claims.**

### **4. Cession to England.**

part of Alabama.

England organized the territory which she had acquired from Spain into East and West Florida. The latter included the part of Alabama and Mississippi below latitude  $32^{\circ} 28'$ , and Florida as far east as the Appalachicola River, with Pensacola as its capital. West Florida had a royal government from this time until the Revolution. The northern part of Alabama and Mississippi was made a part of Illinois Territory. There were, however, no white settlers in the region at that time.

In 1780 the Spanish, who were at war with England, attacked and captured Mobile and Pensacola, and thus again gained control of

### **5. Cession to West Florida.**

**Spain and the United States.** At the close of the Revolution, in 1783, all the region north of latitude  $31^{\circ}$  was ceded to the United States by England, and Florida was given back to Spain. Spain, however, claimed all of West Florida on account of her victory at Mobile in 1780, and considerable trouble resulted from the conflicting claims, until in 1795 Spain relinquished her claim to all north of latitude  $31^{\circ}$ .

In 1785, the county of Houston was organized by Georgia, out of that part of the state north of the Ten-

nessee River, but on account of the hostility of the Indians it was little developed.

A most remarkable man of this time was Alexander McGillivray. His father was a Scotch trader, who married a princess of the Creek nation among whom he lived. Wishing his son to be carefully educated, the father sent him to Charleston where he received a thorough education. Returning to the Indians, Alexander McGillivray became Chief of the Creeks, and for many years was the most influential man in the state.

---

---

## CHAPTER II.

### MISSISSIPPI TERRITORY.—THE CREEK WAR.

In 1798 Mississippi Territory was organized, including that part of Alabama and Mississippi between latitude  $31^{\circ}$  and  $32^{\circ} 28'$ , with Natchez as the capital. Winthrop Sargent was the first governor, but was soon succeeded by Wm. C. C. Claiborne, whose wise government brought prosperity to the territory.

#### **I. Mississippi Territory.**

In 1787 South Carolina ceded to the United States a strip of land twelve miles wide, lying south of Tennessee and extending west to the Mississippi River.

This ultimately became a part of Alabama and Mississippi.

Georgia had claimed the region between latitude  $31^{\circ}$  and  $35^{\circ}$ , and had granted vast tracts to various land companies. Out of this grant numberless difficulties arose. The transaction was called the Yazoo Fraud, and was so unpopular that finally the Georgia legislature repealed the act granting the land. A large number of people, however, had purchased land along the Tombigbee River from these companies and had settled on it. Some of them obtained a title to their land from the United States, but many lost all they had invested. In 1802 Georgia ceded all land between latitude  $31^{\circ}$  and  $35^{\circ}$ , west of the present state, to the United States, for a million and a quarter dollars.

In 1804 Mississippi Territory was enlarged by the addition of the northern part extending to latitude  $35^{\circ}$ , and in 1812 the seacoast between the Pearl and Perdido rivers was added.

In 1800 Spain ceded back to France the Louisiana Territory with nearly the same boundaries as it had when ceded to her by France, and in 1802 this territory was purchased from France by the United States, for fifteen million dollars. Our government claimed that the purchase extended east to the Perdido River, but Spain claimed

## **2. The Louisiana**

### **Purchase.**

that the eastern boundary was the same as that of the territory France had ceded to her in 1763. After several years of dispute, during which Spain continued to hold Mobile, the United States in 1813 took forcible possession of the city, and in 1819 Spain ceded all of Florida to the United States.

During the war with England serious trouble arose with the Creek Indians, who were stimulated and aroused by the English, and by some other Indians, especially Tecumseh, to attack and try to exterminate the white settlers. Several outrages were perpetrated and the settlers in terror began to gather at the forts for protection. Gen. Claiborne sent all available troops to the aid of the settlers, and in July, 1813, the troops attacked a large body of Indians at Burnt Corn Creek, now in Conecuh County, where a severe fight ensued in which both sides met with severe losses.

On August 30 of the same year, a large body of Indians attacked Fort Mims, in Baldwin County, where a large number of people had taken refuge, and surprising the occupants, who were largely women and children defended by a few soldiers, they massacred nearly five hundred people. The Indians were led by William Weatherford, a remarkable man, who had

acquired a great influence over them. He was partly Indian, and had spent a great part of his life with the Indians, but subsequently settled in South Alabama and became a useful citizen. The news of this massacre spread consternation throughout all the territory, and troops were soon sent in to attack the Creeks. The Choctaws joined the settlers and rendered them valuable assistance.

Gen. Andrew Jackson came down from Tennessee with two thousand soldiers, being aided by his brother-in-law, Gen. Coffee. Passing through Huntsville, they made their way to the Coosa River. At Tallaschatche, now in Calhoun County, Gen. Coffee attacked a body of Indians, November 3, defeating them and destroying a considerable number. Establishing Fort Strother, at the Ten Islands, now in St. Clair County, and making it his base of supplies, Gen. Jackson went on to Talladega, where a number of friendly Indians were besieged by hostiles. Surprising and surrounding them, a hard battle was fought, November 9, and several hundred of the Indians were slain. Jealousy between the troops of East and West Tennessee interfered considerably with Jackson's movements immediately after this.

A Georgia army of a thousand men, coming to the rescue, attacked the Indians, November 29, at Auttose,

on the Tallapoosa River, now in Macon County. Advancing upon the town at daybreak, a sharp fight of several hours took place, resulting in the defeat of the Indians and the burning of their town.

Gen. Claiborne, with nearly one thousand soldiers, marched against the Indians in the southern part of the state. Building Fort Deposit, now in Lowndes County, he went to the "Holy Ground," situated upon a bluff on the Alabama River. Here the Indians were quickly defeated and their town burned, December 23.

Gen. Jackson soon began moving southward and January 22, 1814 had an indecisive battle with the Indians at Emuckfau, now in Tallapoosa County, and two days later at Enitachopco, now in Clay County, on his retreat to Fort Strother.

On March 27, he attacked the Creeks at the Horse-shoe Bend of the Tallapoosa River, in Tallapoosa County. Having surrounded the Indians, he made an attack and, after a sanguinary battle, in which over five hundred Indians were killed, he completely routed the remainder. This battle practically closed the war. Gen. Jackson went on to the old French Fort Toulouse, which he strengthened, naming it Fort Jackson, and where, in August, 1814, he concluded a treaty of peace with the Creeks.

Meanwhile, the British had been planning an attack



on Mobile, and Jackson was soon assigned to the command of the army at that point. In September, 1814, a combined attack was made upon Fort Bowyer at Mobile by the Indians and the English, which was repulsed by the Americans. Knowing that the Spanish had allowed the British to use Pensacola as a harbor, Jackson marched against it and captured it, going from there to New Orleans. In February, 1815, the British fleet from New Orleans overpowered and captured Fort Bowyer.

The close of the Creek War was the signal for settlers from all states to flock to Alabama. Vast tracts of valuable land in all parts of the state were given up in the various treaties made by the Indians, and the population, which in 1810 was only 9,000, increased to 128,000 in 1820. In 1810 there were three counties, Washington and Baldwin in the south and Madison in the north, the latter being the most populous although it had been settled but four years.

## CHAPTER III.

## ALABAMA TERRITORY AND STATE.

In March 1817, Mississippi Territory was divided and Alabama Territory was formed, with St Stephens as its capital and Wm W. Bibb, governor. In 1818 the Legislature designated Cahaba as the capital, with Huntsville as temporary capital until suitable buildings were erected at Cahaba.

**1. Alabama****Territory.**

In March 1819, Congress authorized the people of Alabama to frame a constitution, which was done in July, and the first General Assembly met at Huntsville in October of the same year. On December 14, 1819, the resolution admitting Alabama as a state was signed by President

**2. Alabama****a State.**

Monroe. Wm. W. Bibb was elected governor of the new state. At this time the principal towns of the state were Huntsville, Claiborne, Mobile, Cahaba, St. Stephens, Florence, and Montgomery. The history of the state for forty years after its organization was one of continued growth and almost unbroken prosperity.

Emigrants were constantly coming to make their homes within its borders and found an abundant reward for all their labor. It was a time of peace, prosperity, and happiness, which furnishes little for the historian to record. Many towns and villages sprang up and the population increased until in 1860 there were 964,201 inhabitants in the state. The General Assembly met at Cahaba from 1820 to 1825 when Tuscaloosa became the capital. From this point it was moved to Montgomery in 1846, where it has since remained. The first capitol building was burned in December, 1849, and the present building was completed in 1851.

Mobile is the oldest town in the state, having been founded by the <sup>French</sup> Spanish in 1711. For many years it was a military post with a population of a few hundred, but it began to grow rapidly soon after the United States acquired Florida, becoming soon the largest city in the state, which place it has since maintained.

### **3. First Important Towns.**

Montgomery was founded in 1817, being known then as New Philadelphia. In 1819 this town was united with a rival town, East Alabama, and was called Montgomery in honor of the Revolutionary hero. It was chartered as a city in 1837, having become the most important town in that part of the state.

Selma was founded in 1820 and had a gradual

growth as the surrounding country developed. The decline of Cahaba added considerably to the population and wealth of Selma.

Huntsville was settled in 1807 and incorporated as a town in 1811. It grew rapidly, being the largest town in North Alabama. The first newspaper of the state was published here in 1812, and the first bank located here in 1816.

Florence was founded in 1818. It had a rapid growth at first and became an important river town.

Tuskaloosa was incorporated in 1819, and soon became the most important town in the western part of the state.

Claiborne, now in Monroe County, was first the site of Fort Claiborne which was built in 1813. It grew rapidly and at one time had a population of twenty-five hundred people, being one of the most important towns of the state. It is now a village of a few hundred inhabitants.

St. Stephens was first settled by the Spaniards who erected a fort at that place in 1786. The Americans began to settle in the place in 1803, from which time the town grew rapidly, having in 1818 fifteen hundred inhabitants. The removal of the capital caused it to decline and it is now a small village although it is the county seat of Washington County.

Cahaba came into existence at the time that the state capital was located at that place, being laid out and incorporated in 1819. At one time it had a population of two thousand and was an important business point.

A company of French refugees, composed of many prominent persons driven from France because of their opposition to the government, came to Alabama in 1818 and finally settled at Demopolis.

The construction of the Muscle Shoals Canal was begun in 1830 and about the same time the first railroad in the state was begun, between Tuscumbia and Decatur, which was completed in 1832. At first the cars were drawn by horses.

#### **4: Important**

##### **Events.**

The penitentiary was established in 1839 at Wetumpka and opened in 1842. Wetumpka had a rapid growth at this time and was a rival of Montgomery in the contest for the state capital in 1846. It had at one time a population of several thousand. The penitentiary buildings, located at that place, are now used for female prisoners and those not able to work in the mines.

The Insane Asylum was organized at Tuscaloosa in 1852 and completed in 1860.

The Deaf and Dumb Asylum, situated at Talla-

dega, was opened in 1860 and the Blind Asylum opened in 1867, the two being consolidated in 1870.

The various Indian tribes remaining in the state were a constant source of trouble. Gradually their lands were purchased and they removed to the west, the last tribe leaving the state in 1838.

In 1820 a state bank was chartered and located at Cahaba. Subsequently branch banks were organized in several cities of the state. Money was issued by these banks in great quantities and the credit of the state was pledged to sustain them. For a time there was an appearance of great prosperity, but the panic of 1837 brought on a great depreciation of values and all the banks suspended specie payments. The state came to their assistance, but in 1842 the charters of the branch banks were repealed, and in 1845 the charter of the state bank expired.

On January 7, 1861 a state convention assembled at Montgomery at the call of the governor, issued in accordance with a resolution of the  
**5. The Civil War.** preceeding legislature directing him to do so, if Abraham Lincoln was elected President; and on January 11 an ordinance of secession was adopted. Wm. L. Yancey was a leader in the movement and framed the ordinance. Delegates were also elected to represent the state in the provisional Con-

gress of the Confederate States which was held at Montgomery, and a new state constitution was adopted. On February 18, Jefferson Davis was inaugurated President of the Confederate States, and Montgomery became for a time the capital of the Confederacy. Immediately several regiments were organized and equipped for service. Public opinion had been about equally divided on the question of secession, the people in the northern part having a warm attachment for the Union, but nearly all united in opposing the invading armies and espoused the cause of their state. Early in 1862 the Federal troops occupied the northern part of the state and remained till August 1862, when Bragg's army advanced into Kentucky; but the Federals returned the next year.

In May, 1863, Gen. Forrest captured seventeen hundred Federals under Col. Streight in Cherokee County, having pursued them from Tuscumbia. Col. Streight had started for Rome, Ga., to destroy the Confederate stores at that point. Gen. Forrest, after overtaking the Federals, by a skilful movement of his troops, convinced Col. Streight that he was attacked by a superior force and caused him to surrender.

In July, 1864, Gen. Rosseau with about thirteen

*Skilful movement of his troops*

*History of Alabama.*

<i>Towns</i>	<i>1890.</i>	<i>1880.</i>
Mobile . . . . .	31,076	29,132
Birmingham . . . . .	26,178	3,086
Montgomery . . . . .	21,883	16,713
Anniston . . . . .	9,998	940
Huntsville . . . . .	7,995	4,977
Selma . . . . .	7,622	7,529
Florence . . . . .	6,012	1,359
Bessemer . . . . .	4,544	
Eufaula . . . . .	4,394	3,836
Tuskaloosa . . . . .	4,215	2,418
Opelika . . . . .	3,703	3,245
Phoenix . . . . .	3,700	2,224
New Decatur . . . . .	3,565	
Troy . . . . .	3,449	2,294
Gadsden . . . . .	2,901	1,697
Greenville . . . . .	2,806	2,471
Decatur . . . . .	2,765	1,063
Sheffield . . . . .	2,731	
Fort Payne . . . . .	2,698	
Tuscumbia . . . . .	2,491	1,369
Talladega . . . . .	2,063	1,233
Union Springs . . . . .	2,049	1,862

## GOVERNORS OF ALABAMA.

	<i>Inaugurated.</i>
Wm. W. Bibb,	Nov. 1819.
Thomas Bibb,	July. 1820.
Israel Pickens,	Nov. 1821.
John Murphy,	Nov. 1825.
Gabriel Moore,	Nov. 1829.



Samuel B. Moore,	March 1831.
John Gayle,	Nov. 1831.
Clement C. Clay,	Nov. 1835.
Hugh McVay,	July 1837.
Arthur P. Bagby,	Nov. 1837.
Benjamin Fitzpatrick,	Nov. 1841.
Joshua L. Martin,	Nov. 1845.
Reuben Chapman,	Nov. 1847.
Henry W. Collier,	Nov. 1849.
John A. Winston,	Nov. 1853.
Andrew B. Moore.	Nov. 1857.
John G. Shorter,	Nov. 1861.
Thomas H. Watts,	Nov. 1863.
Interregnum,	April 1865.
Lewis E. Parsons,*	June 1865.
Robert M. Patton,	Dec. 1865.
Wm H. Smith,†	July 1868.
Robert B. Lindsay,	Nov. 1870.
David P. Lewis,	Nov. 1872.
Geo. S. Houston,	Nov. 1874.
Rufus W. Cobb,	Aug. 1878.
Edward A. O'Neal,	Aug. 1882.
Thomas Seay,	Aug. 1886.
Thomas G. Jones,	Aug. 1890.

---

\* Appointed by the President.

† Appointed by act of Congress.

over whom it is ruling, or that has had no experience in conducting the affairs of a state.

Many new railroads were projected in the state to which vast subsidies were granted and the bonds of which the state endorsed. While this resulted in the building of several roads it opened a vast field for fraud and an immense debt was incurred by the state. This debt was greatly diminished in Governor Houston's administration by a commission that examined into the transactions and rejected certain frauds, but it still forms a considerable part of the state debt. The administration of Governor Houston was noted for its vigorous reform, especially in the financial affairs of the state. As gradually the people came to control the affairs of the state an era of greater satisfaction and prosperity dawned. A new constitution was adopted in 1875 which has remained unchanged to the present time.

The growth of the state during the past decade has been marvelous. The mineral wealth which had been hidden so long has been brought to light, and its development has caused villages to become cities and new cities to spring up where was a barren wilderness. Manufacturing also has developed, and much of the raw material that was formerly shipped out of the state

**7: Recent  
Growth.**

to be manufactured is now prepared for the market at home. Many new railroads have been constructed and vast tracts of mineral and timber land that were heretofore inaccessible have thus been opened up for development.

The growth of Birmingham is one of the most marvelous events in the history of state. The town was laid out in 1871 and because of its favorable location for the production of iron and on account of the many railroads that pass through it, blast furnaces and mills of all kinds have sprung up, and the population has increased from three thousand in 1880 to twenty-six thousand in 1890. Including the suburbs, which have grown up with the city, the population is not far from forty thousand.

Many other cities and towns have shared in this marvelous growth, the most important of which are Anniston, Huntsville, Florence, Bessemer, Tuscaloosa, Decatur, Gadsden, Sheffield, and Fort Payne.

There are in the state vast fields of coal, iron, and other minerals that are yet undeveloped, which will prove a great source of wealth, so that the future of the state is bright with the promise of growth and prosperity.

The following table shows the recent growth of twenty-two cities and towns, as published in the census report of 1890.

hundred Federal cavalry passed down the eastern edge of the state, destroying considerable property. In August, 1864, Admiral Farragut, with a fleet of eighteen vessels, entered Mobile Bay and, after one of the fiercest naval battles of the war, succeeded in capturing Fort Gaines and Fort Morgan at the entrance of the bay. In March 1865, Spanish Fort on the east shore was besieged and in April Fort Blakely. Both were bravely defended, but the former was evacuated April 4 and the latter stormed and captured on April 9. Three days later the Federals occupied Mobile.

On September 24, 1864, Gen. Forrest captured one thousand nine hundred Federals at Athens. Here again he had recourse to a subterfuge, by which he convinced the Federals that his forces were more than double their true number and caused them to surrender.

In March, 1865, Gen. Wilson, with thirteen hundred and fifty Federals, started from Chickasaw, in Colbert County and passed down through Russellville and Jasper to Elyton, now Birmingham, where he encountered Gen. Forrest, whom he drove back toward Selma. At Selma Forrest's troops made a stand and the city was bravely defended, but it was captured April 2, and Gen. Wilson passed on to Montgomery, which he occupied without resistance April 12.

A part of Wilson's command went from Elyton to Tuscaloosa, where, after some skirmishing, they burned the University buildings April 3. They were subsequently defeated in a skirmish at Pleasant Hill in Greene County. On May 4, 1865, Gen Richard Taylor surrendered the military department, of which Alabama was a part, to Gen. Canby, thus ending the war in Alabama.

For several years after the close of the war the condition of affairs in the state was one of great confusion.

**6. Recon-  
struction.**

In 1865, a new constitution was adopted by a convention called by order of President Johnson. Congress, however, refused to recognize the senators and representatives elected by the state, and in 1867 passed a bill over the President's veto making the state a military district. Under this authority a convention was called in November, 1867, and a new constitution was framed, which was adopted in 1868, when Alabama was again recognized as a state. The majority of the people of the state had little to do with this convention or the adoption of the constitution.

For several years the state suffered from the misrule and extravagance which so often come with a government that does not feel its accountability to the people

## CHAPTER V.

## SCHOOLS.

The act of Congress passed March 2, 1819, admitting Alabama into the Union, granted the sixteenth section of each township to the inhabitants of the township, "for the use

**I. The Public****Schools.**

of schools." The first constitution of the state contained these words: "schools, and the means of education shall forever be encouraged." Thus early was the foundation laid for a public school system. On March 2, 1827, Congress passed a law authorizing the sale of these school lands, specifying that each township should have the benefit of the money derived from the sale of its particular section. The money thus obtained was to be invested by the state, and was to become a permanent school fund. This now forms what is called the sixteenth section fund.

Another grant for the same purpose was made July 4, 1836, of a quantity of land equal to one thirty-sixth part of the land within the state ceded to the United States by the Chickasaws.

In 1848 the state was authorized to apply to the use of townships whose sixteenth section was valueless, five hundred thousand acres of land which had been donated in 1841 for internal improvements.

Congress, on June 23, 1836, decreed that the surplus revenue in the United States treasury, in excess of five million dollars, should be divided among the different states, according to their representation in Congress, to be kept until called for by the United States. Alabama received \$669,086.80 as her share, which was appropriated by the General Assembly for the use of schools, forming what is called the surplus revenue fund.

For thirty five years after the organization of the state there was no public school system, the income from these funds being used in support of private schools. On February 17, 1854, an act was passed establishing a free public school system. Another important act was passed supplementing this, in 1856.

By the constitution of 1868 a State Board of Education was created, consisting of a Superintendent of Public Instruction and two members from each Congressional District. This board had extensive powers in establishing and governing the schools of the state.

When the present constitution was adopted this Board of Education was abolished and our present school system was established.



The act of cession by Georgia to the general government, of the land that now comprises Alabama, contained a provision that one or more townships should be set apart "for the use of a seminary of learning."

## **2. The State**

### **University.**

The act of Congress admitting the state set apart two townships for such use. The proceeds arising from the sale of this land have been used to maintain the State University at Tuscaloosa. The University was established in 1819 by the General Assembly, a location was secured in 1828, and the University was opened in 1831. In 1884 Congress made another grant of two townships to the University.

In 1862 Congress donated to each state a large amount of land, to enable it to endow an Agricultural and Mechanical College. In 1868 the General Assembly of Alabama

**3. The A. and M.** accepted the grant, and in 1872 organized the Agricultural and Mechanical College at Auburn. The amount derived from the grant for this purpose was \$253,500, which forms a permanent endowment fund for the college.

In 1890 the Government made another grant of money to the states for a similar purpose. Alabama's share was divided between the A. and M. College and



the Colored Normal Industrial School at Huntsville, in proportion to the school population of the two races

The State Normal College at Florence was established in December 1872, the first session beginning in September 1873. During the first session young men only were en-

- 4. The Normal Schools.** titled to the advantages of the school, but, at the next session, young ladies were admitted to all the departments of the institution.

The college receives an annual appropriation from the state of seven thousand five hundred dollars.

The Jacksonville Normal School was established in 1883. It receives an annual appropriation of two thousand five hundred dollars.

The Livingston Normal School was established in 1883 in connection with the Livingston Female Academy. It receives an annual appropriation from the state of two thousand five hundred dollars.

The Troy Normal School was established in 1887, and receives an annual appropriation of three thousand dollars from the state.

Normal schools for colored students have been established at Montgomery, Hunt-ville, and Tuskegee. Appropriations are made for them, out of the general

school revenue set apart for colored schools, of seven thousand five hundred, four thousand, and three thousand dollars respectively.

None of the Normal Schools have any endowment, but all receive aid from the Peabody Fund.

The Medical College of Alabama at Mobile was founded in 1858, receiving in 1860 a state appropriation of fifty thousand dollars. At

various times it has received appropriations from the state for needed improvements, but it does not receive an annual appropriation. It is by

its charter the medical department of the State University, and it is required "to educate free of cost one indigent student from each county of the State."

Many denominational colleges and private schools of high rank are found in the state.

Howard College was founded in 1843, and is under the control of the Baptist Church. It was at first located at Marion, but was removed to Birmingham in 1887. It has a military organization and admits young men only.

The Southern University at Greensboro was founded in 1858, and is under the control of the Methodist

church; it admits young men only.

Among the more prominent schools for young women are the Judson Institute at Marion, founded in 1839; Huntsville Female College, founded in 1855; Alabama Female College at Tuskegee, founded in 1856; and the Tuskaloosa Female College, founded in 1858.

There are many other excellent schools, both those for young men and those for young women in various parts of the state. Many of them are of recent growth; others have been in existence many years, and have done a good work for the youth of the state. A few schools that were prominent in the past have, for various reasons, been closed.

## PART II.

# CIVIL GOVERNMENT.

---

### CHAPTER I

#### THE CONSTITUTION—LEGISLATIVE.

The State Constitution opens with a Preamble similar to that of the United States Constitution. Following this is a Declaration of

**I. Preamble and Declaration of Rights.** Rights concerning the fundamental principles of liberty, personal security, religious liberty, freedom of speech and of the press, trial by jury, *habeas corpus*. citizenship. suffrage and the like. It also forbids the infliction of cruel or unusual punishments, imprisonment for debt, slavery, the passage of *ex post facto* laws, the granting of titles of nobility and such other acts as would lessen the liberty of the people. Treason and eminent domain are defined, and the courts are declared open to every person who has injury done him in land, goods, person, or reputation.

Many other rights and prohibitions are specified with a minuteness that shows how carefully the interests of the people are guarded.

- 2. Distribution of Powers of Government.** The government of the state is divided into three departments: legislative, executive, and judicial.

The legislative branch of the government consists of the Senate and the House of Representatives, which constitute the General Assembly.

The Senate is composed of not more than thirty-three members, elected for four years, one half being elected every two years. The state is divided into senatorial districts,

- 4. The Senate.** having as nearly as possible the same number of inhabitants. A new apportionment is made every ten years, when a new census is taken. The constitution specifies that the number of senators shall not be less than one fourth nor more than one third of the number of representatives. The number of senators has remained thirty-three since the present constitution was adopted. A senator must be at least twenty-seven years of age, a citizen and inhabitant of the state for three years and of his district one year before his elec-

tion, and must reside in his district during his term of service.

The House of Representatives is composed of not more than one hundred members, elected for two years and apportioned among the counties according to population:

**5. The House of Representatives.** but each county must have one representative. A new apportionment is made with each census. The number of representatives has remained one hundred since the present constitution was adopted. A representative must be at least twenty-one years of age, a citizen and inhabitant of the state three years and of his county one year before his election, and he must reside in his county the entire term of service.

The pay of senators and representatives is four dollars per day and ten cents per mile in going to and returning from the capital by the nearest usual route travelled.

**6. Points in Common.** The Senate elects its president and the House of Representatives its speaker and each house its other officers, such as clerks, door keeper, etc.

The General Assembly meets biennially and for not more than fifty days.

Each house keeps a journal of its proceedings and at the desire of one tenth of the members present the yeas and nays must be recorded.

A majority of the members constitutes a quorum.

Each house is the judge of the election, returns and qualifications of its members.

When a vacancy occurs the Governor issues a writ of election to fill such vacancy.

Members of the General Assembly are privileged from arrest while in attendance at its sessions and in going to and returning from them, except for treason, felony, violation of their oath of office, and breach of peace.

A bill to become a law, must in each house, be introduced by some member, referred to a committee and returned by it, read three different days, passed by a majority of the

**7. How a Law is** members present, have the yeas and  
**Made.** nays recorded on its final passage, be signed by the presiding officer of each house in the presence of the house and the fact of signing be recorded in the journal. It must then be signed by the Governor.

Either house may amend a bill that is brought to it from the other house, in which case the bill is sent back to the house in which it originated and the

amendment acted upon. If the two houses disagree a conference committee is appointed from each house, and a compromise bill is prepared, which is usually adopted by both houses.

A bill may be passed over the Governor's veto by a majority of all the members in each house. If it is not signed or vetoed within five days after it has been presented to the Governor it becomes a law, unless the General Assembly adjourns within the five days, in which case the bill does not become a law.

All bills for raising revenue must originate in the House of Representatives, but the Senate may propose amendments. The money to meet the expenses of the state government is raised by taxation.

### **8. Revenue.**

The General Assembly levies the taxes and appropriates the money thus obtained, for such purposes as it judges necessary.

The state tax cannot be more than three-fourths of one per cent. on the value of the taxable property within the state.



## CHAPTER II.

## THE CONSTITUTION—THE EXECUTIVE.

The Executive department consists of the Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, Superintendent of Education, and Commissioner

**I. The Executive** of Agriculture; all of whom are  
**Officers.** elected for two years. All of these offices, except Commissioner of Agriculture, were created by the consti-

tution, that office being formed by legislative enactment. The constitution does not determine the term of office or time of election of the Superintendent of Education, but the General Assembly has by law made them the same as those of the other state officers.

There are several other state offices and boards, established by law, which will be discussed hereafter. The election at which the state officers, and the senators and representatives are elected is held on the first Monday of August of the even years.

-The Governor must be at least thirty years of age,

36.        *The Civil Government of Alabama.*

a citizen of the United States ten years, and a "resident citizen" of the state seven years before his election. He is the chief ex-

**2. The Governor.** ecutive officer and is to see that the laws are enforced. He presents to the General Assembly an estimate of the amount of money required to be raised by taxation, recommends needed legislation, and gives information of the state of the government. He has a veto on all bills passed by the General Assembly. He may on extraordinary occasions convene the General Assembly in special session. He is commander in-chief of the militia, except when they are called into service of the United States. He has power to pardon criminals, except in cases of impeachment and treason. He appoints numerous minor officials, and in case of vacancy in any of the state executive offices he fills the vacancy. In case of the absence, death, or disability of the Governor to perform his duties, the President of the Senate acts as Governor until the disability be removed, or until the next regular election. If the President of the Senate is unable to act, the Speaker of the House of Representatives acts as Governor. The salary of the Governor is three thousand dollars a year.

*The Secretary of State, State Treasurer, State*

*Auditor or Attorney General* must be at least twenty-five years of age, a citizen of the

**3. Other State Officers.** United States seven years, and a resident of the state five years before his election. In case any of these offices become vacant the Governor fills the vacancy.

*The Secretary of State* is keeper of the great seal of the state and attests all commissions, grants, pardons, and public documents issued by the Governor, affixing to them the great seal, when this is necessary. He keeps the original statutes and public records of the state, and the records of the General Assembly and of the official acts of the Governor. The returns of nearly all elections are made to him. His salary is eighteen hundred dollars a year.

*The State Treasurer* receives the money of the state and pays it out on the warrant of the Auditor. He is required to give a bond of two hundred and fifty thousand dollars. His salary is twenty-one hundred dollars a year.

*The State Auditor* keeps the accounts of the state, showing the various funds from which the money is derived and how the money is disbursed. He issues all warrants on the treasurer for the payment of money when due. He also has a general supervision of taxation. His salary is eighteen hundred dollars a year.

*The Attorney General* is the legal adviser of the executive department. He also has charge of all cases in which the state is a party in the supreme court of the state, in United States courts, in courts of other states, and sometimes in lower courts of this state. His salary is fifteen hundred dollars a year, but after the election of 1892 it will be twenty-five hundred a year.

*The Superintendent of Education* has charge of the educational interests of the state. [See Part II. Chapter V.]

The office of *Commissioner of Agriculture* was created by the General Assembly in 1885. At first the Commissioner was appointed by the Governor, but in 1891 the office was made elective like the other state offices. The duty of the Commissioner is to promote the agricultural interests of the state. He holds farmers' institutes, collects statistics, and information about seeds, soil, etc., analyzes the various kinds of fertilizers that are sold in the state, attaching an official tag to all that is to be sold, and has many other duties of a similar nature. His salary is twenty-one hundred dollars a year.

*The Adjutant General* is the chief-of-staff to the Governor. He is appointed by the Governor and holds office at his pleasure. It is his duty to keep the arms

of the state, distributing them to the state troops as required, and he has general charge of the militia of the state. There is a considerable number of other officers as quartermaster-general, commissary-general, etc., who aid him in these duties.

The *Examiner of Accounts* is appointed by the Governor and holds office at his pleasure. It is his duty to examine the accounts of any state or county officer who handles the state funds, or the accounts of any state institution, if so ordered by the Governor.

The *Board of Railroad Commissioners* is composed of three members, appointed by the Governor.

#### **4. The State**

##### **Boards.**

This Board has power to revise all tariff of charges, recommend repairs, inquire into the cause of accidents, and exercise a general oversight of the railroads in the state.

The *Board of Convict Inspectors* is composed of three members appointed by the Governor. It is their duty to lease the convicts, and to inspect the penitentiary, and various mines in which the convicts are employed, looking after the health, safety, and security of the convicts.

The *State Board of Health* is composed of the State Medical Association. This Board has charge of the collection of vital statistics; inspects state insti-

tutions, as asylums and the penitentiary; licenses doctors, in common with county boards; and, in case of epidemic diseases, has extensive quarantine powers. The Board works through the State Health Officer, whom it appoints, and a Board of Censors, composed of ten members, also appointed by it.

The Governor, Secretary of State, Auditor, Treasurer, Attorney General, and Superintendent of Education may be removed from office for wilful neglect

#### **5. Impeachment.**

of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude by the Senate on charges preferred by the House of Representatives.

---

## CHAPTER III.

### THE CONSTITUTION—JUDICIAL.

The judicial department consists of

**1. The Judiciary.** the Supreme Court, Circuit Court, Chancery Court, Probate Court, and other inferior courts established by law.

The Supreme Court consist of a Chief Justice and four associate justices, who are elected for six years, with a salary of three thousand six hundred dollars a year. This court meets at the capital on the first Tuesday of November of each year, the term continuing until the end of the next June. There are, during the term, two calls of the docket of the cases before the court.

It is the highest court of the state and its decision is final. In most matters it has only appellate jurisdiction. The inferior officers of the court, such as clerk, marshal, and reporter, are appointed by the justices.

The state is divided into ten judicial circuits. Each circuit has a judge, called the Circuit Judge, who is elected for six years. There is also a Solicitor in each circuit, elected by the General Assembly, for six years; and in each county there is a circuit court clerk and sheriff. The salary of the Judge is twenty-five hundred dollars a year and that of the Solicitor three thousand dollars a year. The Solicitor has an assistant in each county.

The Circuit Judge must hold court in each county in his circuit at least twice a year. This court has original jurisdiction in all criminal cases and in civil

cases where more than fifty dollars is involved. It has appellate jurisdiction in cases from the justice and other inferior courts. Usually half the time of the court is devoted to civil cases and half to criminal.

The state is divided into four chancery divisions, each of which has a Chancellor, elected for six years

Each division is divided into chancery districts, in each of which is a Register in Chancery, who acts as clerk of the court. In addition to

**4. The Chancery Court.**

this he has certain other powers and duties much greater than those which usually belong to the clerk of court. He issues all process from the court, grants certain decrees, issues attachments, and has many other duties and powers that are prescribed by law. This is an equity court. It has jurisdiction in cases in which a plain, adequate and complete remedy is not provided in other judicial tribunals, and in kindred matters prescribed by law. The court meets twice a year in each chancery district, and proceeds without a jury. The salary of the Chancellor is twenty-five hundred dollars a year.

The Probate Court consists of a Judge in each county, who is elected for six years. This court has

jurisdiction concerning wills, the settlement of estates, appointing administrators and guardians, binding out of apprentices, and many other similar matters. It also issues licenses of various kinds.

**5. The Probate Court.**



Deeds, mortgages, and all papers required by law to be recorded, must be recorded in this office. The Probate Judge is also judge of the county court and chairman of the commissioners' court. His salary is chiefly derived from fees.

This court is held by the Probate Judge. It meets monthly, or oftener in certain cases, and has criminal jurisdiction concurrent with the circuit and city courts. In some counties it has been abolished, other courts in many instances taking its place.

**6. The County Court.**

In several parts of the state the General Assembly has established other courts, called by various names, as district court, criminal court, etc.

**7. Other Courts.** In some instances these courts have concurrent jurisdiction with the chancery and circuit courts; in others they are inferior courts with criminal jurisdiction only.

There are in each election precinct two Justices of the Peace, elected by the people for four years. The Governor also has the power to appoint one notary public in each precinct, who has the same jurisdiction as a justice of the peace. The justice of the peace has jurisdiction in civil cases, where-

**8. The Justice of the Peace.**

the amount in controversy does not exceed one hundred dollars, and in certain misdemeanors. In all cases before a justice, the parties have the right of appeal without prepayment of costs. There is also in each election precinct a constable elected by the people, who is the ministerial officer of the justice courts in his precinct. A justice may, under certain circumstances, act as notary public, but a notary cannot act as a justice, unless appointed by the Governor, with such jurisdiction. A notary public has the power to administer oaths, and to take acknowledgments of instruments of writing, such as deeds, mortgages, etc.

In most cities and towns there is a city court, held by the Mayor or Police Judge, which  
**9. The City Court.** has jurisdiction of cases arising from any violation of a city ordinance. In many places the powers of this court are increased by special acts of the General Assembly.

**10. The Commissioners' Court.** This court consists of the Probate Judge and the County Commissioners. [See Chap. IV.]

The Judges of the Supreme Court may be removed from office for wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude, by the Senate, on charges preferred by the House of Representatives.

**11. Impeachment.**

The judges of the other courts may be removed from office by the Supreme Court, for any of the aforesaid causes.

The judges of the Supreme, Circuit, Chancery, and City courts must be twenty-five  
**12. Qualifications.** years old, citizens of the state and of the United States for five years, and must be "learned in the law."

## CHAPTER IV.

### THE COUNTY.

The state is divided into sixty-six counties. New counties may be formed by a two-thirds vote of both houses of the General Assembly, but each county must contain at  
**1. New Counties.** least six hundred square miles, and a new county must have a sufficient number of inhabitants to entitle it to one representative under the existing ratio of representation.

The county officers are the Probate Judge, County Commissioners, Sheriff, Circuit  
**2. Officers.** Court Clerk, Treasurer, Tax Assessor, Tax Collector, Coroner, Surveyor, and Superintendent of Education.

For the duties and powers of the *Probate Judge*, see the account of the Probate Court.

There are four *County Commissioners* in each county elected for four years. With the Probate Judge they form the Commissioners' Court, having authority to control the property of the county, to levy the county tax, to examine and pass upon all accounts against the county, to audit the accounts of all officers having care of any money belonging to the county, to care for the poor in the county, to establish roads, bridges and ferries, and other similar duties provided by law. The commissioners are paid a stated amount per day and mileage for each day that they are employed in county business.

In some counties there is, instead of the County Commissioners, a Board of Revenue, appointed by the Governor, with powers similar to those of the County Commissioners.

*The Sheriff* is the chief peace officer of the county. He is elected for four years and is ineligible to the office as his own successor. He is the ministerial officer of the Chancery, Circuit, County, Probate and Commissioners' courts. He executes the orders of the courts, has charge of the prisoners, jail and court house, and performs such other duties as may be imposed by law. In case of a vacancy in this office the Coroner acts as Sheriff.

*The Circuit Court Clerk* is elected for six years

He issues summons, writs, subpoenas, executions, and process, under authority of the court and keeps the various dockets and other records of the court. His salary is derived from fees.

*The County Treasurer* is elected for four years. His duty is to receive, keep, and disburse the money of the county on warrant of the Commissioners' Court, or Circuit Court Clerk. He gives bond to the amount of twice the estimated amount of the county revenue. He receives a per cent. of all money handled by him.

*The Tax Assessor* is elected for four years. It is his duty to make a list of the taxable property of each tax-payer in the county, with the value of the property to be taxed. He appoints certain places in each election precinct where tax-payers are to meet him for assessment and reports a statement of the assessment, when completed, to the Probate Judge. He receives a per cent. of the taxes collected.

*The Tax Collector* is elected for four years. He gives bond for double the probable amount of taxes at any one time in his hands. His duty is to collect the taxes that are due from the tax-payers. He must, at the end of each month, pay over to the county treasurer the county taxes collected during the month, and to the state treasurer, the state taxes. The poll-tax of each county is paid to the state treasurer, but comes back to the county, as a part of the school fund. The

collector receives a per cent. of the taxes collected.

*The Coroner* is elected for four years. His duty is to hold inquests when a person has been killed or has died suddenly under such circumstances as afford a reasonable ground for belief that his death was caused by unlawful means. He acts as sheriff in case the office becomes vacant or if the sheriff is imprisoned or is unable to act. His salary is chiefly derived from fees.

*Two County Surveyors* are appointed in each county, by the county commissioners, for three years, whose duty it is to make all surveys directed by the courts and for private parties, when desired. They receive a stated sum per day when employed.

*The County Superintendent of Education* has charge of the educational interests of the county. For a full description of this office see Part II, Chapter V.

*The County Board of Health* is composed of the County Medical Society. It is the duty of the Board to collect vital statistics, inspect county institutions, abate nuisances, and guard against epidemic diseases.

*Impeachment*—All the county officers, the justices of the peace, notaries public, and constables, may be removed from office by the circuit court or the criminal court of the county in which they hold office, for wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude.

## CHAPTER V.

### SCHOOLS.

The State Superintendent of Education, the County Superintendent of Education, the County Educational Board, and the Township Trustees, compose the school officers of the

**1. Organization.** state, provided for by the constitution and the general laws. In many cities there are Boards of Education that have charge of the schools of the city. These Boards are created by special acts of the General Assembly.

The State Superintendent of Education has a general supervision of the educational interests of the state.

He apportions and distributes the educational fund; prepares such blanks as are used in the administration of the school system; visits, so far as practicable, every county of the state for the purpose of inspecting the schools and diffusing as widely as possible information as to the importance of public schools and the best methods for their management; appoints county superintendents, in the counties in which they are not elected; supervises the collection of the poll-tax; establishes teachers' institutes; and performs such other duties in relation to the schools as are prescribed by law.

### **2. The State Superintendent of Education.**



He is elected for two years and receives a salary of two thousand two hundred and fifty dollars a year. He is *ex officio* a member of the boards of directors of the State University, the A. and M. College, and some of the Normal Schools.

There is in each county of the state a County Superintendent of Education, who holds his office for two years. In about one-third of the counties of the state he is appointed

**3. The County Superintendent.** by the State Superintendent, while in the remaining counties he is elected by the people. He has a general supervision of the educational interests of the county. He receives and pays out the school funds, paying teachers quarterly, except in a few counties in which they are paid monthly. He appoints township trustees, approves contracts of teachers, examines into the sixteenth section funds and unsold school lands of any township and, with the Educational Board, conducts institutes and examines teachers. He gives a bond for double the probable amount of money that may be on his hands at any one time. He must be at his office at the county seat on the first Saturday of each month to transact business with school officers. His annual salary is seventy-five dollars and two per



cent. of the funds disbursed by him. In a few counties the compensation has been considerably increased by special acts of the General Assembly.

There are in each township three trustees, who have the supervision of schools of their township. These officers take the place of the township superintendent, that office having

**4. The Township** been abolished in 1891. Previous to that time there were township trustees in a few counties only. In

**Trustees.** most counties the trustees are appointed by the County Superintendent, but in a few they are elected. The trustees have power to establish schools and contract with teachers for the schools. A meeting of the parents and guardians of the children is to be held on the last Monday in October at which "they shall, in consultation with such parents and guardians," determine the number of schools, the location, the time of opening and length of session, and the children to be transferred from one district to another.

They also have control of any unsold school lands in the township, having power to rent or sell the same in the manner prescribed by law. They are exempt from road duty, jury duty, and poll-tax, but otherwise receive no remuneration.

The Educational Board of the county is composed

of the of the county superintendent and two teachers, appointed by him. It is the duty of the board to examine teachers, issue

**5. The Educational Board.** certificates and hold teachers' institutes.

There must be three institutes for each race held in each county during the year, provided there are ten licensed teachers of the race for whom the institute is organized. Teachers holding certificates must attend at least one of these institutes.

Every teacher in the public schools must have a certificate from the county educational board; also a contract made with the township trustees and filed with the county super-

**6. The Teacher.** intendent and approved by him within ten days of the date of signing.

At the end of each quarter the teacher must make a report to the county superintendent, showing attendance, branches taught, days taught, amount due teachers, and other items specified in the blanks furnished by the county superintendent.

"Every applicant for a teachers' certificate must be examined on the following subjects: For the third grade, in orthography, reading, penmanship, practical arithmetic through fractions, primary geography, and

the elementary principles of physiology and hygiene," "with special reference to the nature of alcoholic drinks, and narcotics and their effects upon the human system;" "for the second grade, on all the foregoing subjects and also in practical arithmetic, history of the United States, English grammar, intermediate geography, and elementary algebra; for the first grade, on all the foregoing subjects, and also in higher algebra, natural philosophy, geometry and the theory and practice of teaching."

"No applicant shall receive a certificate who fails to answer correctly seventy per cent. of the questions," or who does not have a good moral character. The laws seem to leave to the Educational Boards considerable discretionary powers as to the severity and extent of the examination.

Anyone having a diploma from any chartered institution is entitled to receive a certificate, without examination, on payment of the fee of one dollar. Those holding state certificates or diplomas from Normal Schools, signed by the State Superintendent are exempt from examination or payment of fee.

The school year begins on the first of October; twenty days constitute a school month, and a school

day is not less than six hours. Pupils are of school age when between seven and twenty-one years old, and are entitled to admission into the school.

**7. The School.**

The trustees cannot contract for a school for less than twelve weeks, or for less than ten scholars, or for more than fifty scholars for one teacher.

The constitution provides that there shall be separate schools for colored children.

The total number of children of school age in the state according to the enumeration taken in 1891, was 550,721, of whom 309,628 were white and 241,093 were colored.

The school funds are derived from the following sources:

(1) The Sixteenth Section Fund. The interest at six per cent on the money derived from the sale of school lands which were given by the United States for the use of schools, is paid by the state into the school fund. Each township receives the income from its own sixteenth section money. The principal of this fund is now \$1,875,923.66.

**8. The School Funds.**

(2) The Valueless Sixteen Section Fund, or Sixteenth Section Trust Fund. The interest at six per cent. on the money derived from the sale of the land given by the United States in place of valueless sixteenth sections, is paid by the state into the school fund. The principal of this fund is now \$97,091.16.

(3) The Surplus Revenue Fund. The state pays into the school fund the interest at four per cent on the \$669,086.80 surplus revenue deposited with the State by the United States in 1836.

(4) The Poll-Tax. All the poll-tax is returned to the townships in which it was collected, to be used for the schools of the township. The poll tax paid by each race is to be used for the schools of that race. The total fund derived from the poll tax for the year ending September 30, 1891, was \$152,503.

(5) The State Appropriation. The General Assembly at each session makes an appropriation for schools, out of the state funds, the constitution requiring at least \$100,000 be set apart for this purpose. The appropriation made by the General Assembly of 1890-91 was \$350,000 for each year.

(6) The rent of school lands that have not been sold is a source of income to some townships. The amount derived from this source for the year ending September 30, 1891, was \$1,829.80.

(7) All money that comes to the state as escheats is to be applied to the support of the public schools.

(8) Certain licenses are by law, in some counties and towns, required to be paid in to the school fund.

(9) In most of the counties the owner of a dog may register the animal, paying a tax of one dollar, thus being able to obtain damages from any one who injures it. This tax is appropriated for the use of the public schools of the county.

(10) In many districts the public school fund is supplemented by private subscription, thus securing a better school and a longer term than the public fund would provide. In the cities and towns there is an appropriation for schools made out of the municipal revenue.

---

## CHAPTER VI.

### CITIZENSHIP—TAXATION—AMENDMENTS.

The constitution contains the following specification as to who are citizens:

“All persons resident in this State,  
**1. Citizenship.** born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citi-

zens of the State of Alabama, possessing equal civil political rights.”

An elector or voter must be a male citizen of the United States, or a foreigner who has declared his intention to become a citizen of the United States; he must have resided in the state one year, in the county three months, and in the precinct, district, or ward thirty days. Before the election he must register with the officer appointed for that purpose, taking oath that he is an elector.

Each county is divided into election precincts, or beats as they are more commonly called. These usually number about twelve, the commissioners’ court having power to

**2. Election Pre-** change their number or boundary. A  
**cinct or Beat.** beat may contain two or more voting places, if the needs of the people require it. There is no organized gov-

ernment of the beat, the only officers being two justices of the peace and one constable elected by the people, and one notary appointed by the Governor with power of justice

The constable is the ministerial officer of the Justices’ Courts; he executes and returns summons, executions, and other process, as directed by lawful authority; he may be summoned by the sheriff



to attend Circuit Court; and he performs other duties required by law.

There is no organized township government in the township, except the three trustees,

**3. Townships.** who have the management of the schools. For an account of these officers see Part II, Chap V.

All males between twenty-one and forty-five years of age are required to pay a poll-tax of one dollar and fifty cents, which is devoted to the use of schools. The state tax on tax-

**4. Taxation** able property cannot be more than three-fourths of one per cent; the county tax cannot be more than one-half of one per cent; the city, town, or municipal corporation tax cannot be more than one half of one per cent. The city tax is based on the state and county assessment of the previous year.

An amendment to the constitution must be passed by both branches of the General Assembly, published at least three months before the next

**5. Amendments.** general election for Representatives, and adopted by a majority of the votes cast at that election.

Several amendments have been proposed but none have been adopted.



The increase of population in Alabama during the various decades is shown by the following table, taken from the census reports:

1820.....	127,901
1830.....	309,527
1840.....	590,756
1850.....	771,623
1860.....	964,201
1870.....	996,992
1880.....	1,262,505
1890.....	1,513,017



# INDEX.

---

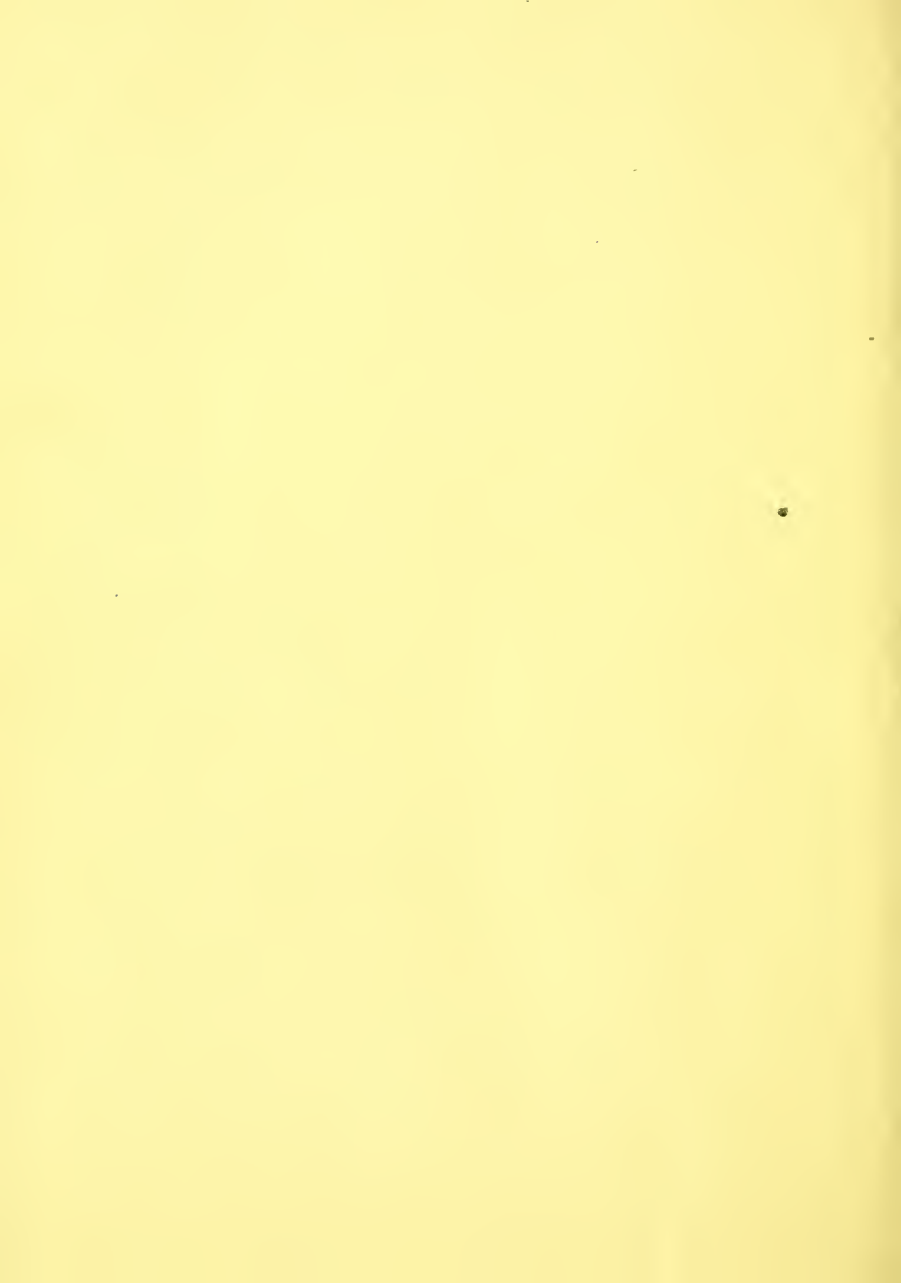
	PAGE.
Alabama Territory.....	12
a State.....	12
Amendments.....	58
Asylum, Insane.....	15
Deaf and Dumb.....	15
Blind.....	16
Bank, State.....	16
Beat .....	57
Bibb, W. W.....	12
Bienville .....	3
Birmingham .....	21
Cahaba .....	12, 15
Cession to England.....	4
Spain .....	5
United States.....	5
by South Carolina.....	6
Georgia .....	7
Citizenship.....	56
Claiborne, W. C. C.....	6
Gen.....	8
Town of.....	14
Conflicting claims.....	4
Counties, new.....	45
County officers.....	45

	PAGE.
Court, Supreme.....	41
Circuit.....	41
Chancery.....	42
Probate.....	42
County.....	43
City.....	44
Commissioners'.....	44
Justice.....	43
Other.....	43
Davis, Jefferson.....	17
Declaration of Rights.....	30
Demopolis.....	15
DeSoto.....	1
Discovery.....	1
Election Precinct.....	57
Farragut, Adm.....	18
Florence.....	14
Florida.....	4
West.....	5
ceded to U. S.....	8
Forrest, Gen.....	17, 18
Fort Mims Massacre.....	8
General Assembly.....	31
Governor.....	36
Governors, List of.....	22
Houston, County.....	5
Governor.....	20
Huntsville.....	12, 14
Indians, Races.....	3
Removal.....	16
Jackson, Gen. Andrew.....	9
Laws, how made.....	33

	PAGE.
Louisiana.....	4, 7
Maubila .....	2
McGillivray, Alexander.....	6
Mississippi Territory.....	6
Mobile.....	3, 5, 8, 11, 13, 18
Montgomery.....	13, 16
Muscle Shoals Canal .....	15
Penitentiary .....	15
Pensacola.....	3, 5
Population of cities.....	22
of State.....	59
Railroad, First.....	15
Frauds.....	20
Recent Growth.....	20
Reconstruction .....	19
Representatives .....	32
Sargent, Winthrop.....	6
Selma .....	13
Senate .....	31
Settlement .....	3
Schools, Public, History of.....	24
State University.....	26
A. and M. College.....	26
Normal.....	27
Medical.....	28
Private .....	28
Organization.....	49
State Superintendent.....	49
County Superintendent.....	50
Board .....	52
Teachers.....	52
Trustees .....	51
Funds .....	54

	PAGE.
State Officers—	
Secretary of State.....	37
Auditor.....	37
Treasurer.....	37
Attorney-General.....	38
Superintendent of Education.....	38
Commissioner of Agriculture.....	38
Adjutant-General.....	38
Examiner of Accounts.....	39
State Boards.....	39
St. Stephens.....	14
Taxation.....	58
Townships.....	58
Tuskaloosa.....	2, 13, 14
War, Creek.....	8
Civil.....	16
Weatherford, Wm.....	8
Wetumpka.....	15
Wilson, Gen.....	18
Yancey, W. L.....	16
Yazoo Fraud.....	7









LIBRARY OF CONGRESS



0 014 541 512 3